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**MAY 27 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Ortiz, et al. :  
Filed: October 21, 2003 : ON PETITION  
Application No. 10/691,391 :  
Dkt. No.: : 020843-000110US :

This decision is in response to the "PETITION IN REGARD TO NOTICE OF OMITTED ITEM", filed April 9, 2004. This petition is being treated as a petition for withdrawal of Notice and accordance of a filing date of October 21, 2003.

The application was filed October 21, 2003. The Notice mailed March 17, 2004 by the Office of Initial Patent Examination indicated that the application had been accorded a filing date but that figures 12 and 13 appeared to have been omitted from the specification.

In response, the present petition was filed wherein petitioner argues that the application as deposited included figures 12 and 13 of the specification. Petitioner has included as proof of mailing and proof of receipt of the figures in question a return postcard date stamped by the Office on October 21, 2003. A copy of figures 12 and 13 purportedly filed with the application on October 21, 2003 was also supplied.

The original figures 12 and 13 have not been located. However, in view of the evidence presented, the petition for withdrawal of the Notice is GRANTED.

Since the original drawing sheets cannot be located in the Office, the copy of figures 12 and 13 supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted \$130.00 petition fee has been requested from the requested.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of October 21, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

A handwritten signature in black ink, appearing to read 'AMB', with a horizontal line extending to the right.

Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions